

date of the Notifications to properly respond, with extensions of time obtainable under 37 C.F.R. 1.136(a).

On 06 July 2001 (certificate of mailing 02 July 2001), applicants filed the petition (and petition fee) under §1.47(b), a declaration executed by inventors Hajto and Hindle, supporting affidavits to show that inventor Graham refused to join in the application, and the surcharge for providing the declaration later than thirty months from the priority date. This response was made timely by an accompanying petition for a three month extension of time.

### DISCUSSION

Prior to a decision being rendered on the petition, on 28 September 2001, applicants submitted a new declaration executed by all of the joint inventors and requested that the declaration filed pursuant to §1.47(b) be considered null and void.


The declaration filed 28 September 2001 has been reviewed and found in compliance with §1.497.

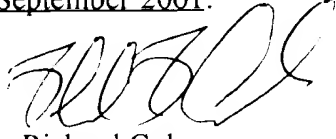
### CONCLUSION

In view thereof, the petition under 37 CFR 1.47 is **DISMISSED AS MOOT.**

Applicants have not asserted small entity status pursuant to either 37 C.F.R. §1.27(c)(1), as no written assertion is of record, or §1.27(c)(3) as the basic national fee was not paid as a small entity. Accordingly, the fees accompanying this petition are being charged as authorized to Deposit Account No. 20-0782 in the amount due for a large entity (\$130 for the surcharge and \$890 for the extension of time fee). In the event that small entity status is proper, applicants attention is directed to §1.28 which sets a three month nonextendable time period for refund of fees based on a later establishment of small entity status.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further review and processing in accordance with this decision, including according the application a 35 U.S.C. 371(c) date of 28 September 2001.

  
Nancy Johnson  
Petitions Attorney  
PCT Legal Office

  
Richard Cole  
PCT Legal Examiner  
PCT Legal Office

Telephone: (703) 305-0309  
Facsimile: (703) 308-6459



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